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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,278	12/03/2003	Elizabeth A. Libretti	757-05-PA-J	5989

7590 03/22/2005

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EXAMINER
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CAMPBELL, KELLY E

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/727,278

Applicant(s)

LIBRETTI ET AL.

Examiner

Kelly E Campbell

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18 is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 15 is/are rejected.
- 7) ☒ Claim(s) 3-14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/03/2003</u> . | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brottman (2,615,726).

Brottman teaches a shopping cart having a frame with a pair of leg assemblies (11,20) secured together by a plurality of cross-members (18,21); the pair of leg assemblies (11,20) having wheels (14,15) at lower ends thereof and a handle connected by the upper ends (12);

a basket (25) removably held in a front portion of the frame;

a seat (29,31) removably held via bolts in a rear portion of the frame, see Figure 4;

and a channel (16) on one of the plurality of cross-members (21) for supporting the basket (25) and the seat (29,31) via bolt (32) and basket holder (22), see figure 5,

and wherein cross-member (20a) supports a base of the basket (25).

It would have been obvious to modify the shopping cart taught by Brottman, to be

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a child toy shopping cart, since children enjoy toys often simulating items used by their parents or adults.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brottman (2,615,726) as applied to claim 1 above, and further in view of Lenihan (US 6,736,415).

Brottman teaches all aspects of the claimed invention except the cart basket having a rim.

Lenihan teaches a toy shopping cart (10) including a frame (12) and a removable basket (50), wherein the basket (50) has a rim (58) along a periphery edge of the basket housing and a handle (silent) disposed in the center of the basket (50) for assisting in removing the basket, see Figure 5.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the removable basket taught by Brottman, to have a handle and a rim for allowing a user to quickly and easily grasp or remove the basket from the cart body.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brottman (2,615,726) as applied to claim 1 above, and further in view of Hampshire (D330,964).

Brottman teaches all aspects of the claimed invention except the cart basket having a rotatable handle and rim.

Hampshire teaches a grocery basket, wherein the basket has a rim along a

periphery edge of the basket housing and a rotatable handle (silent) disposed on the basket for assisting in carrying the basket, see Figure 1.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the removable basket taught by Brottman, to have a handle and a rim for allowing a user to quickly and easily grasp or remove the basket from the cart body.

***Allowable Subject Matter***

Claims 3-14 and 16-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 18 is allowed.

The prior art does not disclose a toy shopping cart (as disclosed by the applicant) including an open frame having leg assemblies and a secured via a plurality of cross members such that a channel is secured on one of the cross-members wherein the channel includes a front and rear portion, wherein the rim of a basket (as disclosed by the applicant) hangs on the front portion to removably support the basket on the frame and the open holding portion hangs on the rear portion to removably hold the seat on the frame. A combination of these and other limitations have not been reasonably found in the prior art.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Vicany, Wood, Henderson et al, Reiland et al, Paez, Russell, Reiland et al, teaches a shopping cart with detachable seat. Wood teaches a shopping cart with a detachable seat. Davidson et al teaches a shopping cart with detachable basket. Weshler et al teaches a shopping basket with rotatable handles. Perelli et al teaches a cart with detachable basket secured in channels on the frame.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly E Campbell whose telephone number is (703) 605-4264. The examiner can normally be reached on 9:00-5:30 Monday-Friday.

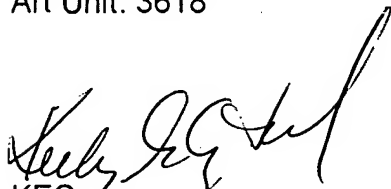
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (703) 305-0168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

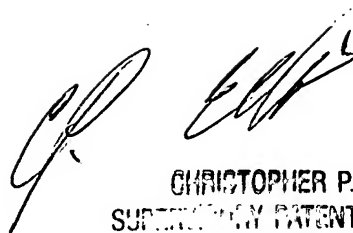
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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SUPERVISING PATENT EXAMINER  
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